

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

THEODORE TERRY, JR.,

Defendant.

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**HURLEY, District Judge:**

On March 24, 2009, this Court granted Plaintiff's motion for an entry of default judgment against the Defendant in the above-captioned case, and referred the case to U.S. Magistrate Judge E. Thomas Boyle, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorneys' fees. On October 21, 2009, Judge Boyle issued a Report and Recommendation that Plaintiff be awarded damages as follows:

(1) \$472.65 in unpaid principal; (2) interest through September 1, 2009 in the amount of \$810.42, as well as additional interest through the date of judgment, to be calculated at a rate of \$.10 per day; (3) post-judgment interest, to be calculated pursuant to 28 U.S.C. §1961; and (4) costs in the amount of \$150. More than ten days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the October 21, 2009 Report and

**ORDER**

08-CV-3785 (DRH) (ETB)

Recommendation of Judge Boyle as if set forth herein. Upon entry of judgment, the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
December 11, 2009

/s/  
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Denis R. Hurley,  
United States District Judge